THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.26638 of 2005

DATED: 01.02.2006

Between:

Mohd.Abdul Jaleel, E.No.204048,

Driver,Ranigunj-II depot, Hyd.

… Petitioner

and

The Depot Manager,

A.P.S.R.T.C, Rajigunj-II Depot, Hyd. … Respondent.

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ORDER:

Petitioner is employed as driver of the Ranigunj depot. He was placed under suspension by the Depot Manager through order dated 25.11.2005. The allegation against the petitioner is that on account of his rash and negligent driving, a person, who was moving on a wheeled plank, died. The petitioner challenged the order of suspension.

Learned counsel for the petitioner submits that even according to the impugned order, the bus was stopped on noticing a traffic signal at Patny Cross Roads and the person, a beggar, who was moving on a wheeled plank came in contact with the left side of the bus and there was no possibility for the petitioner to notice the said person. He contends that the petitioner moved the bus after noticing the green signal and the person moving on the wheeled plank was not at all visible to him. He submits that there was no negligence on the part of the petitioner. He also placed relied upon the circular dated 21.10.1991 issued by the Corporation in the matter of placing the drivers under suspension whenever fatal accidents take place.

Learned Standing Counsel for the respondent on the other hand submits that the question as to whether there was negligence on the part of the petitioner would be known only after the departmental proceedings are concluded and it is too early to arrive at any conclusion at this stage.

The allegation against the petitioner is that he moved the bus at Patny cross roads without noticing a person moving on a plank. The petitioner stopped the bus on noticing the red light at the traffic signal. Obviously his attention would be pointed towards the traffic signal. It is not as if any object was visible before the bus. The shape of the bus would be in such a manner that the objects immediately before it on the lower side cannot be noticed at all. It is not as if the petitioner came into

contact with any object or person while the bus was in motion. The endeavor of the driver of the vehicle, which is stopped at a signal, would be to move as soon as the clearance comes. Even, in such cases the driver would certainly be under obligation to desist from moving the vehicle if any object or individual is noticed before it. When it is impossible for the petitioner to notice the person who was almost crawling on the ground that too at the left side of the bus, it cannot be prima facie said that there was any negligence much less gross negligence on the part of the petitioner. These observations are made only in the context of examining the justification for placing the petitioner under suspension. Though extensive submissions were made touching on the compliance with circular dated 21.10.1991, this Court does not feel it necessary to deal with the same.

For the foregoing reasons, the writ petition is allowed and the impugned order is set aside.

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01.02.2006.

Note:

Issue C.C.in three days.

B/o.

Mdaa.